

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

J.J.P.B., *on behalf of himself and on behalf of* §
his minor child, A.E.P.F., §

Plaintiffs,

VS.

United States of America et al.,

Defendants.

CIVIL ACTION NO. 7:23-cv-00133

JOINT MOTION TO AMEND
SCHEDULING ORDER

Plaintiff J.J.P.B. (“Jacinto”), and his minor child Plaintiff A.E.P.F. (“Andres”),¹ and Defendant United States of America, jointly move for a modest modification to the Scheduling Order set by the Court on September 7, 2023 (ECF No. 149). As outlined in the Parties’ Joint Status Report, filed concurrently herewith, Plaintiffs intend to file an amended complaint by October 16, 2023 in this case that specifically sets forth the claims and parties before this Court, in light of this matter’s transfer to the Southern District of Texas from the District of Arizona. While the Court had set a deadline for Defendant to file Rule 12 motions, the Court did not set a deadline for the filing of any amended pleadings. Defendant does not oppose Plaintiffs’ filing of the proposed amended complaint by October 16, 2023, and Plaintiffs have agreed to extend Defendant’s deadline to file its anticipated Rule 12 motion in response thereto from October 31, 2023 to November 15, 2023.

Accordingly, the Parties hereby move this Court, asking that the Court:

1. Set October 16, 2023 as the date by which Plaintiffs must file the proposed amended complaint; and

¹ Plaintiffs are referred to in the Complaints by their initials and by assigned pseudonyms.

2. Continue Defendant's deadline to file any Rule 12 motions from October 31, 2023 to November 15, 2023.

This is the Parties' first request to modify the Scheduling Order, and the Parties do not expect that this amendment to the Scheduling Order to impact any of the other dates set by the Court.

Respectfully submitted,

By: /s/ Steven C. Herzog w/permission
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CERTIFICATE OF SERVICE

I certify that on September 29, 2023, this document was filed by CM/ECF.

s/ Steven C. Herzog
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